THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6645 of 2005

17.8.2005

Between:

A. Chinna Lingappa, S/o. Chinna Erappa,
R/o. Ramanagar, Dharmavaram, Anantapur District.

..... PETITIONER

AND

1 The Commissioner of Endowments, Boggulakunta, Hyderabad.
2 The Deputy Commissioner of Endowments, Kurnool.
3 The Assistant Commissioner of Endowments, Anantapur.
4 Sri Kashi Viswanadha Swamy Devasthanam, Dharmavaram,
Anantapur District, rep. by its Manager, B.R.Venkateshulu.

.....RESPONDENTS

ORDER:

The petitioner is a resident of Ramnagar of Dharmavaram in Anantapur District. He is aggrieved by the action of the respondents in conducting auction of the temple land, which was initially scheduled on 30.3.2005, allegedly in violation of Section 80(1)(b) of A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act). The cause of action for the petitioner is auction-cum-tender notice issued by the Executive Officer of the fourth respondent-temple inviting participation to buy the temple land in Survey Nos.390/2A admeasuring Acs.0.50, 390/2B admeasuring Acs.0.50, 390/2C admeasuring Acs.0.50, 390/2D admeasuring Acs.0.50, 390/2E admeasuring Acs.0.50, Acs.390/2F admeasuring Acs.0.49 and 390/2G admeasuring Acs.0.49. According to the petitioner, if the auction is conducted outside Anantapur, more number of persons would participate in the auction.

Along with the application for vacating stay, the temple has filed the counter affidavit justifying the auction being held at Anantapur. The matter was heard yesterday. It is brought to the notice of this Court by the learned Counsel for fourth respondent that the temple is making efforts to sell the land by dividing into plots in favour of associations like Weavers Coopeative Society.

Whether auction should be conducted at Anantapur or outside Anantapur is within the jurisdiction of the second respondent. The matter lacks adjudicative

disposition. Deciding the place of auction depends on various circumstances. If the land is to be sold by dividing into plots, certainly, it would be in the interest of the temple to conduct auction in Anantapur or Dharmavaram where the property is situated. The Deputy Commissioner of Endowments has to decide the said matter. As the initial date of auction i.e., 30.3.2005 is already over, the fourth respondent may decide the date and place of auction, after obtaining necessary instructions from the second respondent.

The writ petition, with the above observations, is disposed of.

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(**V.V.S.RAO,J**)

August 17, 2005.

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